IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO. 2262 of 2004

Between:

A.Abbai, S/o Late Santharao, Hindu, aged 54 years,

Bus owner,R/o Hiramandalam, Srikakulam District.

..... PETITIONER

AND

The State Transport Authority, A.P. Hyderabad by its Secretary,
Sri Burgula Ramakrishna Rao Buildings, Tank Bund, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, particularly one in the nature of Writ of Mandamus, directing the respondent to grant extension of time atleast by 8 weeks from now, to the petitioner to file valid records of his bus to obtain a pucca stage carriage permit on the route Pathapatnam to Pathapatnam (via) Octroi Junction, Dola Tank Bund, A.S.Kaviti, Ragada, Seedhi and Seedhi junction, as per the proceedings of the Respondent dated 18-07-1998 in item No.III in R.No.37286/E3/93 and to grant such other relief or reliefs.

Counsel for the Petitioner: MR.T.VENKATA RAMANA, Advocate.

Counsel for the Respondent: Govt. Pleader for Transport.

The Court made the following:

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Oral Order:

Petitioner applied for pucca stage carriage permit on the inter-state enclave route from Pathapatnam to Seedhi via Parlakhimundi, Athiaurikaviti and Ragada in the year 1993. The said application was considered favourably by the respondent through his proceedings in R.C.No.37286/E3/93 dated 18-07-1998 and called upon the petitioner to furnish the valid records within four months from the date of receipt of the proceedings. It is not in dispute that the said proceedings was served on the petitioner on 28-11-1998 and he slept over all these years and filed the present writ petition on 06-02-2004 seeking indulgence of the Court for extension of time limit for submitting the records for enabling him to obtain necessary orders.

In the counter filed by the respondent it is stated that once the Transport Authority granted permission on 18-07-1998, petitioner is under obligation to produce the valid records within four months from the date of receipt of the proceedings, but the petitioner neither produced the valid records nor filed any application for extension of time for production of valid records. In view of the same, the present writ petition filed after a lapse of 5 years cannot be entertained.

Learned Counsel for the petitioner placed reliance on the unreported judgment of this Court in W.P.No.6398 of 1992, wherein it was held that time limit prescribed under Rule 192(2) of the Rules is mere directory but not mandatory, and this Court exercised its discretion in favour of other cases and granted extension of time. In

view of the same, petitioner's case may be considered in the light of the above said order.

The facts in W.P.No.6398 of 1992 are entirely different to the facts of the present case. The State Transport Appellate Tribunal allowed the appeal of the petitioner therein on 09-04-1991 and granted requisite permit to the petitioner without stipulating any time limit for production of records for obtaining permit. Counsel for the applicant received the order in the appeal only in August, 1991 and on 20-04-1992 he produced the relevant records which are necessary for issuing the permit before the Secretary, Regional Transport, Authority i.e. after expiry of 8 months. On such production of the relevant records the Secretary directed the petitioner to approach the Appellate Authority for extension of time and thereafter, the applicant filed M.P.No.196 of 1992 for extension of time for production of records, which was rejected on 14-05-1992. Against which the petitioner filed the above writ petition and obtained interim order on 20-05-1992, directing the Regional Transport Authority, Krishna at Vijayawada to issue the permit on the route applied by the petitioner. Under those circumstances this Court set aside the order passed by the RTA in view of interim order granted earlier in the writ petition.

In the present case, petitioner has not made any endeavour to get the permit renewed or obtained any extension of time for production of records including production of vehicle and only after 5 years he filed the present writ petition, which cannot be entertained on the ground of laches. Since the petitioner is not vigilant over his rights accrued to him, it is not a fit case where this Court can exercise the discretion and grant extension of time. However, petitioner is at liberty to file fresh application on the same route, if he is so advised.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

15-07-2004

Murthy

ASSISTANT. REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Secretary, State Transport Authority, A.P. Hyderabad,
Sri Burgula Ramakrishna Rao Buildings, Tank Bund, Hyderabad.

2.Two CCs to the Govt. Pleader for Transport, High Court Buildings, Hyderabad (OUT)

3.Two CD copies.